

## AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application.

### LISTING OF CLAIMS

Claims 1-22 (Cancelled).

23. (Currently Amended) A power tool housing having a mechanism for ejecting a battery pack, comprising:

said housing including motor portion and a handle portion extending away from said motor portion, and a base portion ~~extending from the bottom~~ at a distal end of said handle portion away from said motor portion to form a terminus of said power tool housing;

a frame in said base portion;

a cavity in said frame for receiving a battery pack at the distal end of the handle portion;

a member for receiving a member on the battery pack to couple the battery pack with the power tool;

a biasing member in said cavity, said biasing member for ejecting said battery pack from said receiving member; and

said battery pack received in said receiving member so that said battery pack is in contact with said biasing member such that when the battery pack is secured on said frame, said biasing member is in a compressed condition and when the battery

pack is released from said frame, said biasing member ejects the battery pack from the frame.

24. (Previously Presented) The power tool housing according to Claim 23, wherein said cavity defined by a pair of opposing side walls and an end wall adjoining said opposing side walls.

25. (Previously Presented) The power tool housing according to Claim 24, wherein said receiving member including a pair of extending rails on each side wall, said rails opposing one another.

26. (Previously Presented) The power tool housing according to Claim 25, wherein channels are formed adjacent said side walls and between said rails and frame for receiving mating rails on the battery pack.

27. (Previously Presented) The power tool housing according to Claim 23, wherein said biasing member including at least one helical spring.

28. (Previously Presented) The power tool housing according to Claim 23, wherein said biasing member extending from an end wall of said frame.

29. (Currently Amended) A power tool, comprising:

a battery pack;

a housing, said housing including a motor portion, a handle portion adjacent said motor portion and extending away from said motor portion, and a base portion at a distal end ~~the bottom~~ of said handle portion away from said motor portion forming a terminus of said housing;

a motor in said housing;

an output coupled with said motor;

an activation member for activating said motor;

a mechanism on said base portion of said housing for receiving a battery pack at the distal end of the handle portion including:

a frame;

a cavity in said frame for receiving a battery pack;

a member for receiving a member on the battery pack to couple the battery pack with the housing;

a biasing member in said cavity, said biasing member for ejecting said battery pack from said housing; and

said battery pack received in said receiving member so that the battery pack is in contact with said biasing member such that when the battery pack is secured on said housing, said biasing member is in a compressed condition and when the battery pack is released from the housing, said biasing member ejects the battery pack from the frame.

30. (Previously Presented) The power tool according to Claim 29, wherein said cavity defined by a pair of opposing side walls and an end wall adjoining said opposing side walls.

31. (Previously Presented) The power tool according to Claim 30, wherein said receiving member including a pair of extending rails on each side wall, said rails opposing one another.

32. (Previously Presented) The power tool according to Claim 31, wherein channels are formed adjacent said side walls and between said rails and frame for receiving mating rails on the battery pack.

33. (Previously Presented) The power tool according to Claim 29, wherein said biasing member including at least one helical spring.

34. (Previously Presented) The power tool according to Claim 30, wherein said biasing member extending from said end wall.

35. (Previously Presented) The power tool according to Claim 29, wherein said battery pack including a pair of rails mating in said channels.

36. (Previously Presented) The power tool according to Claim 35, wherein said battery pack rails including an upper portion, lower portion and a channel between said upper and lower portions.

37. (Previously Presented) The power tool according to Claim 29, wherein said at least one helical spring partially ejects said battery pack.

38. (Previously Presented) The power tool according to Claim 35, wherein said battery rails slide in said channels and said frame rails suspend said battery pack from said tool housing.